

Amendments to the Claims:

The following listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently Amended) A positive electrode active material for a nonaqueous electrolyte secondary battery having at least a lithium-transition metal composite oxide of a layer structure,

~~wherein in which~~ an existence ratio of at least one surface element selected from the group consisting of magnesium and elements which may become tetravalent ~~and magnesium~~ is 20% or more on a surface of the lithium-transition metal composite oxide.

2. (Currently Amended) The positive electrode active material for a nonaqueous electrolyte secondary battery according to claim 1, ~~in which said at least one selected from the group consisting of elements which may become tetravalent and magnesium~~ wherein the surface element is zirconium.

3. (Currently Amended) The positive electrode active material for a nonaqueous electrolyte secondary battery according to claim 1, ~~in which said at least one selected from the group consisting of elements which may become tetravalent and magnesium~~ wherein the surface element is magnesium.

4. (Currently Amended) The positive electrode active material for a nonaqueous electrolyte secondary battery according to claim 1, ~~in which said at least one selected from the group consisting of elements which may become tetravalent and magnesium~~ wherein the surface element is titanium.

5. (Currently Amended) The positive electrode active material for a nonaqueous electrolyte secondary battery according to claim 1, ~~in which said at least one selected from the group consisting of elements which may become tetravalent and magnesium~~ wherein the surface elements are zirconium and magnesium.

6. (Currently Amended) ~~A~~The positive electrode active material for a nonaqueous electrolyte secondary battery according to claim 1, having at least a lithium-transition metal composite oxide of a layer structure, in which wherein:
_____ the lithium-transition metal composite oxide is at least one selected from the group consisting of lithium nickel cobaltate, lithium nickel cobalt aluminate, and lithium nickel cobalt manganate; and having on at least a surface thereof at least one
_____ the surface element selected from the group consisting of zirconium and magnesium is magnesium, zirconium, or magnesium and zirconium.

7. (Currently Amended) A positive electrode mixture, ~~containing comprising:~~
_____ the positive electrode active material for a nonaqueous electrolyte secondary battery according to claim 1, and
_____ a conductive agent,
_____ wherein the surface element in which said at least one selected from the group consisting of elements which may become tetravalent and magnesium exists between the positive electrode active material for a nonaqueous electrolyte secondary battery and the conductive agent.

8. (Currently Amended) A positive electrode mixture, ~~containing comprising:~~
_____ the positive electrode active material for a nonaqueous electrolyte secondary battery according to claim 2, and
_____ a conductive agent,
_____ wherein the surface element in which said at least one selected from the group consisting of elements which may become tetravalent and magnesium exists between the positive electrode active material for a nonaqueous electrolyte secondary battery and the conductive agent.

9. (Currently Amended) A positive electrode mixture, ~~containing comprising:~~

_____ the positive electrode active material for a nonaqueous electrolyte secondary battery according to claim 3₁ and
_____ a conductive agent,
_____ wherein the surface element in which said at least one selected from the group consisting of elements which may become tetravalent and magnesium exists between the positive electrode active material for a nonaqueous electrolyte secondary battery and the conductive agent.

10. (Currently Amended) A positive electrode mixture, ~~containing comprising:~~
_____ the positive electrode active material for a nonaqueous electrolyte secondary battery according to claim 4₁ and
_____ a conductive agent,
_____ wherein the surface element in which said at least one selected from the group consisting of elements which may become tetravalent and magnesium exists between the positive electrode active material for a nonaqueous electrolyte secondary battery and the conductive agent.

11. (Currently Amended) A positive electrode mixture, ~~containing comprising:~~
_____ the positive electrode active material for a nonaqueous electrolyte secondary battery according to claim 5₁ and
_____ a conductive agent,
_____ wherein the surface elements in which said at least one selected from the group consisting of elements which may become tetravalent and magnesium exists exist between the positive electrode active material for a nonaqueous electrolyte secondary battery and the conductive agent.

12. (Currently Amended) A positive electrode mixture, ~~containing comprising:~~

_____ the positive electrode active material for a nonaqueous electrolyte secondary battery according to claim 6, and
_____ a conductive agent,
_____ ~~wherein the surface element in which said at least one selected from the group consisting of elements which may become tetravalent and magnesium exists between the~~ positive electrode active material ~~for a nonaqueous electrolyte secondary battery~~ and the conductive agent.

13. (Currently Amended) A nonaqueous electrolyte secondary battery, ~~including~~ comprising:

a strip positive electrode constituted by forming, on at least one side of a strip positive electrode current collector, a positive electrode active material layer employing the positive electrode active material for a nonaqueous electrolyte secondary battery according to claim 1;

a strip negative electrode constituted by forming, on at least one side of a strip negative electrode current collector, a negative electrode active material layer employing, as a negative electrode active material, a lithium metal, a lithium alloy, a carbon material capable of intercalating and deintercalating lithium ions or a compound capable of intercalating and deintercalating lithium ions; and

a strip separator;

in which: the strip positive electrode and the strip negative electrode laminated with the strip separator between them are wound plural times to form a web of the strip positive electrode and the strip negative electrode with the strip separator intervening between them.

14. (Currently Amended) A nonaqueous electrolyte secondary battery, ~~including~~ comprising:

a strip positive electrode constituted by forming, on at least one side of a strip positive electrode current collector, a positive electrode active material layer employing the positive electrode active material for a nonaqueous electrolyte secondary battery according to claim 2;

a strip negative electrode constituted by forming, on at least one side of a strip negative electrode current collector, a negative electrode active material layer employing, as a negative electrode active material, a lithium metal, a lithium alloy, a carbon material capable of intercalating and deintercalating lithium ions or a compound capable of intercalating and deintercalating lithium ions; and

a strip separator;

in which: the strip positive electrode and the strip negative electrode laminated with the strip separator between them are wound plural times to form a web of the strip positive electrode and the strip negative electrode with the strip separator intervening between them.

15. (Currently Amended) A nonaqueous electrolyte secondary battery, ~~including~~ comprising:

a strip positive electrode constituted by forming, on at least one side of a strip positive electrode current collector, a positive electrode active material layer employing the positive electrode active material for a nonaqueous electrolyte secondary battery according to claim 3;

a strip negative electrode constituted by forming, on at least one side of a strip negative electrode current collector, a negative electrode active material layer employing, as a negative electrode active material, a lithium metal, a lithium alloy, a carbon material capable of intercalating and deintercalating lithium ions or a compound capable of intercalating and deintercalating lithium ions; and

a strip separator;

in which: the strip positive electrode and the strip negative electrode laminated with the strip separator between them are wound plural times to form a web of the strip positive electrode and the strip negative electrode with the strip separator intervening between them.

16. (Currently Amended) A nonaqueous electrolyte secondary battery, including comprising:

a strip positive electrode constituted by forming, on at least one side of a strip positive electrode current collector, a positive electrode active material layer employing the positive electrode active material for a nonaqueous electrolyte secondary battery according to claim 4;

a strip negative electrode constituted by forming, on at least one side of a strip negative electrode current collector, a negative electrode active material layer employing, as a negative electrode active material, a lithium metal, a lithium alloy, a carbon material capable of intercalating and deintercalating lithium ions or a compound capable of intercalating and deintercalating lithium ions; and

a strip separator;

in which: the strip positive electrode and the strip negative electrode laminated with the strip separator between them are wound plural times to form a web of the strip positive electrode and the strip negative electrode with the strip separator intervening between them.

17. (Currently Amended) A nonaqueous electrolyte secondary battery, including comprising:

a strip positive electrode constituted by forming, on at least one side of a strip positive electrode current collector, a positive electrode active material layer employing the

positive electrode active material for a nonaqueous electrolyte secondary battery according to claim 5;

a strip negative electrode constituted by forming, on at least one side of a strip negative electrode current collector, a negative electrode active material layer employing, as a negative electrode active material, a lithium metal, a lithium alloy, a carbon material capable of intercalating and deintercalating lithium ions or a compound capable of intercalating and deintercalating lithium ions; and

a strip separator;

in which: the strip positive electrode and the strip negative electrode laminated with the strip separator between them are wound plural times to form a web of the strip positive electrode and the strip negative electrode with the strip separator intervening between them.

18. (Currently Amended) A nonaqueous electrolyte secondary battery, ~~including~~ comprising:

a strip positive electrode constituted by forming, on at least one side of a strip positive electrode current collector, a positive electrode active material layer employing the positive electrode active material for a nonaqueous electrolyte secondary battery according to claim 6;

a strip negative electrode constituted by forming, on at least one side of a strip negative electrode current collector, a negative electrode active material layer employing, as a negative electrode active material, a lithium metal, a lithium alloy, a carbon material capable of intercalating and deintercalating lithium ions or a compound capable of intercalating and deintercalating lithium ions; and

a strip separator;

in which: the strip positive electrode and the strip negative electrode laminated with the strip separator between them are wound plural times to form a web of the strip positive electrode and the strip negative electrode with the strip separator intervening between them.